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C O N F I D E N T I A L SECTION 01 OF 02 KUALA LUMPUR 000719

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FOR EAP, EAP/RSP, EAP/MTS AND EAP/MLS

E.O. 12958: DECL: 04/20/2012

TAGS: PREL ASEAN MY

SUBJECT: MALAYSIA COMMENTS ON U.S.-ASEAN RELATIONS AND TAC

Classified By: Political Section Chief Mark D. Clark for reasons 1.4 (b and d).

Summary

¶1. (C) In a discussion of U.S.-ASEAN relations, Malaysia's senior diplomat charged with ASEAN affairs said he believed U.S. accession to the Treaty of Amity and Cooperation (TAC) would be warmly welcomed by ASEAN members, signal increased U.S. attention to the region, and boost the U.S.-ASEAN dialogue. The diplomat said member states continued intensive work on the ASEAN Charter, which was on track for completion in time for the ASEAN Summit in November. End Summary.

ASEAN Would "Warmly Welcome" Accession

¶12. (C) During an April 19 meeting to discuss U.S.-ASEAN relations and the status of the ASEAN charter, polchief asked Malaysian Foreign Ministry Director General for ASEAN Hussein Haniff for his perspectives on the TAC and the question of U.S. accession. Polchief stated that his question did not reflect Washington instructions and did not imply any particular U.S. position. Hussein replied that Malaysia and all other ASEAN members would "warmly welcome" an announcement of U.S. intention to accede, if one were made. Such an announcement would provide a strong signal of U.S. attention to Southeast Asia and would be highly symbolic if it occurred this year during the 30th anniversary of U.S.-ASEAN relations. Were the U.S. to announce such an intention, Hussein did not anticipate any delay in obtaining the support of all ASEAN members needed to extend an ASEAN letter of invitation to accede to the TAC. Hussein said ASEAN intended to raise the issue of the TAC during the U.S.-ASEAN senior dialogue in June.

¶13. (C) Polchief described the U.S. Senate's advice and consent role in treaty ratification, noting that the ratification process took a long time in many cases. Hussein said that ASEAN members would understand that treaty processes would differ among individual countries and would accept a delay in ratification based on constitutional requirements. A U.S. decision to accede still would convey a serious political commitment pending ratification.

¶14. (C) ASEAN would not encourage but likely would accept a side letter conveying U.S. interpretations of specific clauses in the TAC, as had been done in the case of Australia. Hussein explained that the wording of a side letter would need to be negotiated and accepted by all ASEAN members as part of the process of agreeing to extend an invitation to the U.S. to accede.

Would Bring U.S. in Line with Other Partners

15. (C) Polchief asked about the practical effect of U.S. accession. Hussein said accession would enhance ASEAN dialogue with the United States. At this point, the U.S., along with Canada, stood out as the only ASEAN dialogue partners not to have signed on to the TAC. Hussein commented that after 30 years U.S.-ASEAN relations could be stronger. Following only 15 years of relations, China's partnership with ASEAN was on par with that of the United States, with China focusing heavily on economic initiatives. U.S. accession to the TAC also would clear the way for joining the EAS, if the U.S. desired to do so at some future point.

16. (C) Hussein stated that ASEAN supported EU accession to the treaty and the two sides were working out a modality for this, given that the TAC did not have procedures for accession by a regional grouping. In the meantime, France had acceded to the TAC, and the UK and Germany were actively considering such a step.

17. (C) Hussein asked after the prospects for the U.S. naming an ambassador to ASEAN, commenting that the creation of such a position also would boost U.S.-ASEAN relations. Polchief said he would convey this sentiment to the Department.

Intensive Work on ASEAN Charter

18. (C) ASEAN members were working intensively on the charter, Hussein said. Drafters held to a pace of one meeting every two weeks, addressing the easier, uncontroversial articles first. Matters concerning a future

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ASEAN Union and the practicalities of vote-based versus consensus decision making represented two of the more difficult unresolved issues. Hussein thought that the drafters would meet their deadline of presenting the text to the ASEAN summit in November.

Comment

19. (C) Malaysia's lead official for ASEAN matters was unambiguously positive in his view of the symbolic boost to U.S.-ASEAN relations that would result from a U.S. move to accede to the TAC. Hussein emphasized that U.S. non-accession increasingly seemed out of step with other ASEAN partners.

LAFLEUR